



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/709,300

04/27/2004

Frank Salvatore

fantasy

3299

23217

7590

03/17/2008

GLENN L. WEBB

GLENN L. WEBB P.C.

P.O BOX 951

CONIFER, CO 80433

EXAMINER

THOMASSON, MEAGAN J

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

03/17/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/709,300	<b>Applicant(s)</b> SALVATORE ET AL.	
	<b>Examiner</b> MEAGAN THOMASSON	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The drawings are objected to because Fig. 1-3 are unclear and difficult to read. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-6,8 and 12-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Pinto et al. (US 2003/0054885 A1).**

Regarding claims 1,23 Pinto discloses a system and method for providing multi-media enhancement of a fantasy league draft proceeding (§0036), said system comprising a medium for conducting a fantasy league draft proceeding (server **20** and client computers **22**, §0040), a media viewer for viewing multi-media (user interface, §0050,0056), a database for storing medium relating to the fantasy league draft proceeding (§0042), and a controller for associating said medium from said database with said fantasy league draft proceeding for viewing in said media viewer (§0040).

Regarding claims 2,18 Pinto discloses said medium includes a display providing information regarding the draft proceeding and said media viewer displayed on said display (Fig. 8,10-13).

Regarding claims 3,19 said medium includes audio and video clips (Fig. 13, §0007,0043).

Regarding claims 4,20 said medium includes information relating to players selectable in said fantasy league draft proceeding (Fig. 13, §0042,0066).

Regarding claims 5,21 Pinto discloses an entertainment medium in the form of video clips that may be viewed at times when the user is not selecting players for the

fantasy league draft (§ 0063 -0064), i.e. for viewing between selections of the draft proceeding.

Regarding claims 6,22 Pinto discloses the ability to display advertisements (§0069).

Regarding claim 8, Pinto discloses the system is a server based network system (Fig. 1).

Regarding claim 12, the system is utilized in an electronic gaming technology, i.e. participation in fantasy sports via a computer is inherently an electronic gaming technology.

Regarding claims 13,24 the system is an on-demand delivery system for providing multi-media files to each participant on an updated basis regarding the player selected by the participant during the draft proceeding. That is, the participant may choose to view the video data of a player at any time (§0007), i.e. on demand, and player data such as statistics are updated on a regular basis (§0066).

Regarding claim 14, the system further includes said controller and said database are operated by a computer system (§0040).

Regarding claim 15, see claims 1 and 13 above. The system includes fantasy teams, fantasy team owners and players associated with each fantasy team (§0036).

Regarding claim 16, the system includes a server for hosting said system (Fig. 1) and client interfaces for allowing each of said team owners to access said system on said server to retrieve the multi media files on an on-demand basis (§0007).

Regarding claim 17, see claim 1 above.

Regarding claim 25, Pinto discloses providing other information of interest during the draft proceeding, such as advertisements, in addition to the multi-media files relating to the players to be chosen in the draft proceeding (§0069).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pinto (US 2003/0054885 A1) in view of Pace (US 6,061,656)**

Regarding claim 7, *Pinto does not specifically disclose the system is incorporated onto a removable media format.* Instead, Pinto discloses a server based system that

communicates with client computers via the internet (Fig. 1, ¶0040). However, in an analogous fantasy sports league system, Pace discloses the system is incorporated onto a removable media format, i.e. a floppy disk (Fig. 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the fantasy league draft system disclosed by Pinto by the removable media format as Pinto discloses the ability to provide interactive content such as movie, sound, graphics, etc. (Fig. 2). Further, all of the claimed elements were known and one of ordinary skill in the art could have combined the elements with no change in their respective functions in order to yield predictable results.

**Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinto (US 2003/0054885 A1) in view of Binney (US 2002/0107073 A1).**

Regarding claims 9 and 10, *Pinto does not specifically disclose the system is a wireless server system and each user is able to access said system via a hand held wireless device.* However, in an analogous fantasy league draft system, Binney discloses the system may be a wireless server based network system, each user may access said system via a hand held wireless device (¶0019-0020). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the fantasy league draft system disclosed by Pinto by any communication means, as disclosed by Binney, as wireless networks and handheld devices are well known means of providing entertainment content to a user. Further, changing the communication means does not change the overall function or effect of the claimed invention as the fantasy league draft system would operate in exactly the same manner irrespective of

the means of providing the information to the user. All of the claimed elements were known and one of ordinary skill in the art could have combined the elements of an interactive fantasy sports league with a wireless network using hand held devices without changing their respective functions in order to yield predictable results.

**Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pinto (US 2003/0054885 A1) in view of Wilcock (US 2005/0164792 A1).**

Barber et al. (US 7,001,279 B1), Hughes et al. (US 4,918,603), Bishop (US 2004/0266530 A1), Guagliardo (US 7,303,472 B2), Satloff et al. (US 6,688,973 B2), Reiss et al. (US 6,656,042 B2), Gavriloff (US 6,371,855 B1), Junkin (US 6,193,610; US 5,860,682; US 5,846,132), Abbott et al. (US 6,135,881), Pearson et al. (US 5,971,854; US 5,263,723; US 5,018,736), Pace (US 5,689,561), Smith et al. (US 5,533,124) and Meaney et al. (US 5,090,735);

Regarding claim 11, *Pinto does not specifically disclose the system is incorporated in a television based system.* Pinto discloses a server based system that communicates with client computers via the internet (Fig. 1, ¶0040). However, in an analogous fantasy sports draft invention, Wilcock discloses a system incorporated in a television based system (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the interactive sports drafting system of Pinto on the television based communication system of Wilcock as the specific means of communicating data to the user does not change the overall function or effect of the invention. That is, the fantasy league draft system would operate in exactly the same manner irrespective of the means of providing the information to the user. Further, all of



the claimed elements were known and one of ordinary skill in the art could have combined the elements of an interactive fantasy sports league with a television based communication system without changing their respective functions in order to yield predictable results.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes: Barber et al. (US 7,001,279 B1), Hughes et al. (US 4,918,603), Bishop (US 2004/0266530 A1), Guagliardo (US 7,303,472 B2), Satloff et al. (US 6,688,973 B2), Reiss et al. (US 6,656,042 B2), Gavriloff (US 6,371,855 B1), Junkin (US 6,193,610; US 5,860,682; US 5,846,132), Abbott et al. (US 6,135,881), Pearson et al. (US 5,971,854; US 5,263,723; US 5,018,736), Pace (US 5,689,561), Smith et al. (US 5,533,124) and Meaney et al. (US 5,090,735); all disclosing fantasy sport league systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MEAGAN THOMASSON whose telephone number is (571)272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Meagan Thomasson

February 29, 2008

/XUAN M. THAI/

Supervisory Patent Examiner, Art Unit 3714